

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 78-126 are pending in this application. By the present Amendment, Claims 78 and 88 are amended.

Applicants acknowledge, with appreciation, the Examiner's allowance of Claims 89-121. Applicants do contend, however, that the remaining claims in this application are also allowable, for at least the reasons set forth below.

Claims 78-88 and 122-126 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 6,085,019 ("Ito") in view of U.S. Patent No. 5,892,535 ("Allen"). Applicants submit that these claims, at least in the form amended herein, are patentable over the cited references for at least the following reasons:

Considering independent Claims 78 and 88, it is submitted that any proper combination of Ito with Allen would not result in an audio/video reproducing apparatus or reproducing method in which, *inter alia*, metadata is communicated identifying a selected item of audio/video material via a first communications network, and the selected item of audio/video material is communicated via a second communications network in response to the identifying metadata, in which the second communications network has a higher bandwidth than the first communications network.

The Office Action acknowledged that Ito fails to disclose the use of two communication networks for communicating with the external device, but relied upon Allen for disclosing this feature. Although Allen does describe a plurality of media interfaces, each being coupled to a first communication means and a second communication means, it fails to disclose a first

communications network used to communicate audio/video requests and a separate second communications network used to communicate the audio/video data itself. Additionally, there is no teaching whatsoever in Allen of “said second communications network having a higher bandwidth than said first communications network”. Accordingly, even if the Ito apparatus were to be somehow modified to incorporate the media interfaces of Allen, Applicants’ claims 78 and 88, as amended herein, would still not result.

Advantageously, the provision of a higher bandwidth communications network for the audio/video data than for the audio/video requests and metadata, as described on pages 4, 9 and 22 of the specification, enables optimization of the apparatus by providing each communication network with a bandwidth tailored for the type of data intended to be communicated therethrough. There is no teaching or suggestion in either of Ito or Allen of providing dedicated communication networks for audio/video data and audio/video requests and metadata, respectively, in which the communication network carrying the audio/video data has a higher bandwidth than the communication network carrying the audio/video request and metadata. The person skilled in the art would therefore have been unable to modify the apparatus described in Ito to produce an apparatus falling within the scope of claim 78 or 88. Accordingly, claims 78 and 88 are patentable over the combination of Ito and Allen.

The claims depending from claims 78 and 88 are patentable based at least upon their dependencies therefrom.

In light of the foregoing, entry of this Amendment, and the allowance of this application with Claims 78-126, are respectfully solicited.

The above statements concerning the disclosures in the cited references represent the present opinion of Applicant's representative and, in the event that the Examiner disagrees,

Applicant's representative respectfully requests the Examiner specifically indicate those portions of the references providing the basis for a contrary view.

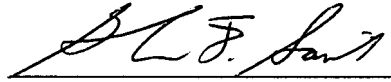
It is submitted that the claims in this application, as originally presented, are patentably distinct over the prior art cited by the examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. 112. Replacement of these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made for clarification and to round out the scope of protection for the invention.

This is in response to the Examiner's Statement of Reasons for Allowance for the indication of allowable subject matter, which accompanied the Office Action. To the extent the Examiner's Statement of Reasons for Allowance states, implies or is construed to mean that the claims are allowable over the prior art of record because the Examiner believes the claims should be interpreted to include one or more features or limitations not recited therein, Applicants' attorney disagrees with such an interpretation. Moreover, it is Applicants' contention that there is no particular limitation in the allowed claims that is more critical than any other. The issuance of the Examiner's Statement of Reasons for Allowance should not be construed as a surrender by Applicants of any subject matter. It is the intent of Applicants, by their attorney, to construe the allowed claims so as to cover the invention disclosed in the instant application and all equivalents to which the claimed invention is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,  
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